

- Agrees with the FCC that equal access interconnection arrangements are technically feasible for terminating and originating most cellular interexchange calls. (8-9)
- Agrees with the FCC that to promote fair competition, IXC's should be able to interconnect with CMRS providers on the same terms and conditions as interexchange services provided by mobile carriers themselves. (9)
- Agrees with the FCC that equal access obligations should include 1+ and 10XXX forms of access to interexchange carriers. (9)
- Agrees with the presubscription, balloting, and allocation proposals suggested by Bell Atlantic. (9-10)
- Recommends that the costs of equal access be recovered on a proportional basis from carriers based on the number of lines that are presubscribed to each carrier. (10)
- Believes that cellular carriers should not be required to offer billing and collection services as long as they make BNA data available to IXC's. To the extent cellular carriers offer such services they should be provided on a nondiscriminatory basis to all IXC's. (10)
- Believes IXC's should not be granted access to cellular carrier databases containing customer profile data. (10-11)

**LEC/CMRS interconnection:**

- Believes the FCC should not require LECs to tariff interconnection arrangements and that the current system of negotiated contracts should be retained. Most parties have found the current system to be satisfactory, and it has resulted in lower rates and service arrangements tailored to particular interconnection needs. Tariffing will create unnecessary costs and decrease flexibility in structuring interconnection arrangements. (11-12)

**CMRS/CMRS interconnection:**

- Opposes mandatory interconnection requirements on CMRS providers because CMRS providers do not control essential facilities or have the market dominance to create substantial barriers to entry. The FCC, however, should ensure that requests for interconnection between CMRS providers are not unreasonably denied. (13-14)
- Believes that an open network architecture is best achieved through good faith negotiations between CMRS providers. (13)

**ONECOMM CORPORATION**

**Interest:** Provides SMR service.

**Equal access for other CMRS providers:**

- Opposes the imposition of equal access requirements on CMRS carriers. Equal access requirements were imposed on LECs and BOC-affiliated cellular carriers to remedy anticompetitive abuse of bottleneck facilities. Other CMRS providers do not control bottleneck facilities and do not possess monopoly power. (5-9)
- Even if equal access requirements are imposed on cellular carriers, OneComm opposes the imposition of equal access on non-cellular CMRS carriers for the following reasons:
  - The non-cellular CMRS market is competitive and no carrier possesses monopoly or even market power. The full development of a multiple-carrier CMRS market will further foster competition, thereby driving down prices. (10-11)
  - The objectives of regulatory parity are not served by imposing costly and burdensome requirements merely to achieve uniformity. Congress has recognized that market conditions may justify differences in the regulatory treatment of CMRS carriers. (12-14)
  - The costs of providing equal access would far outweigh any potential benefit to subscribers. The costs of new purchases of equipment or upgrades of existing systems would be enormous. (14-15)
  - Long distance rates may actually rise if equal access is imposed because subscribers could lose the benefits of negotiated discounts obtained by CMRS providers. (15-16)
  - If subjected to equal access obligations, CMRS providers would lose the flexibility to respond to marketplace demands in

providing seamless wireless service, as equal access would create artificial LATA or regulatory boundaries. (16-18)

**Implementation:**

- Should the FCC decide to adopt equal access, only minimal requirements should be imposed. (18-20)
- No equal access obligation should be imposed on a CMRS provider unless it receives a bona fide request from a long distance carrier. (18)
- A phase-in period of at least three years for new equipment installations and a period of ten years for amortization and replacement of existing equipment are necessary. (19)
- If equal access is imposed on entrepreneurial wireless carriers, it should not entail high administrative costs. (19)
- The FCC should continue to permit service and price bundling. (19-20)

**LEC/CMRS interconnection:**

- Favors continuation of good faith negotiations of interconnection agreements between LECs and CMRS providers. (20)
- Supports FCC's proposal that interconnection agreements guarantee that the most favorable terms, conditions, and rates provided by a LEC to a CMRS provider be made available to all CMRS providers. (20)

**CMRS/CMRS interconnection:**

- Believes that it is premature to require CMRS providers to provide interconnection to one another as the structure of the CMRS industry is still emerging. (21)

**CMRS resale obligations:**

- Believes that it is premature to impose resale requirements on CMRS providers as the structure of the CMRS industry is still emerging. (21)

**ORGANIZATION FOR THE PROTECTION AND ADVANCEMENT OF  
SMALL TELEPHONE COMPANIES**

**Interest:** National trade association of small, rural LECs.

**Equal access:**

**Cellular equal access:** Oppose mandating equal access for small telephone companies.

- Equipment would have to be added and switches upgraded. Roaming agreements would be more complicated, and the balloting process would be expensive. These factors would increase subscriber rates because of the small subscriber base over which rural cellular providers can spread costs. PCS competition will further dilute this pool. (3)
- If rural cellular carriers are forced to disaggregate long distance calls, less spreading will be possible and costs will increase. (4)
- Rural telephone and CMRS affiliates or subsidiaries they own or control should be exempted from equal access because it will raise rates to subscribers. A rural telephone company would be defined as a telecommunications carrier which provides service to any service area that does not include any incorporated place of 10,000 inhabitants or more or serves fewer than 100,000 access lines within a study area. (4)

**LEC/CMRS interconnection:**

Interconnection obligations would only stifle innovation in PCS spectrum. It will also increase costs to the end user which could adversely affect financing of new, evolving services. As FCC has previously recognized, interconnection obligations would be overly burdensome for small, rural LECs, possibly harming universal service and infrastructure development in rural areas. These obligations would have the same effect if forced on small LECs that provide CMRS. (5-6)

## **PACIFIC BELL AND PACIFIC BELL MOBILE SERVICES**

**Interest:** Local exchange company and prospective PCS provider.

### **Equal access:**

#### **Cellular equal access:**

- All cellular carriers should be required to provide IXCs with billing information on a reasonable and non-discriminatory basis. Tariffs for billing information should not be required. (10)

#### **Equal Access for other CMRS Providers:**

- All competing CMRS providers should be under the same equal access obligations that apply to BOC-affiliated CMRS providers. However, would prefer that no equal access obligations be imposed on CMRS providers in a competitive market. (3)

### **Implementation:**

- If the Commission decides to impose equal access requirements, it should use MTA boundaries instead of LATA boundaries. The larger MTA boundaries will be more efficient, permitting less hand-off and long distance charges, and will require less duplication of equipment. (4-6)
- CMRS providers should be required to adopt "1+" dialing and a consumer balloting process similar to the one Pacific Bell has proposed. (8-9)
- Customer profile information is the proprietary information of cellular or CMRS providers. Therefore, IXCs should have no direct access. However, information requests via the SS7 network that are necessary for routing calls should be permitted. (11)
- PCS providers should have non-discriminatory access to cellular analog out-of-territory networks. PCS providers should also have non-discriminatory access to cellular in-territory networks during the ten year build-out period.

These "roaming" provisions are necessary in order to permit PCS providers to offer competitive nationwide service while they are in the process of completing their own networks. (19-24)

**LEC/CMRS interconnection:**

- CMRS providers should be required to permit IXC's to interconnect with their networks at a minimum of one point in each service territory. IXC's should be permitted to choose whether to interconnect through an access tandem or through direct connection via a port at the MTSO. (7-8)
- The Commission should not require tariffs for LEC interconnection to cellular carriers or CMRS providers. The Section 208 complaint process is an adequate remedy in the event of problems. (11-13)
- Collocation is not a necessary component of interconnection for CMRS providers, particularly since CMRS providers generally do not have fiber facility-based networks. (13-14)
- If the Commission decides that collocation and federal tariffing of interconnection is required, it should use the expanded interconnection tariffs as a framework. To this framework, the Commission should add an expanded interconnection cross-connect for interconnection to mobile services. Such a tariff should also contain rate elements for call set-up and duration for switching and a transport element, as well as options for term agreements. (14-15)
- It is in the public interest to continue to permit negotiated interconnection arrangements in certain circumstances. (15)
- The Commission should avoid state and federal interconnection conflicts by declining to adopt a federal interconnection tariff. (15-16)

**CMRS/CMRS interconnection:**

- Supports right of interconnection between CMRS providers where technically feasible, but does not support collocation requirements. (16-17)
- CMRS resellers that employ their own switches should be subject to the same interconnection

requirements that apply to other CMRS providers.  
(17-18)

- Interconnection arrangements between CMRS providers should not be tariffed. (18)

**CMRS resale obligations:**

- It is in the public interest not to require resale of PCS services among licensees serving the same territory, because licensees will not have a significant head start and the lack of resale requirements will encourage licensees to meet their build-out requirements. (25-26)
- It is in the public interest to require resale of PCS services by non-licensees. This will foster competition. (26)
- Cellular providers should continue to be required to permit resale of their services to facilities-based CMRS competitors in their service areas. Cellular providers do not need to be protected from competition. However, PCS providers should not be permitted to resell their services after the ten year build-out period. (27)
- PCS providers reselling cellular services should be permitted to shift cellular customers to PCS when PCS becomes operable. (28)



**PACIFIC TELECOM CELLULAR, INC.**

**Interest:** Cellular carrier.

**Equal Access:**

**Cellular Equal Access:**

- Opposes the imposition of equal access requirements upon cellular providers for the following reasons:
  - Equal access is an unnecessary burden because competition among IXCs exists in the cellular marketplace. In the pre-divestiture landline marketplace, IXC competition was impeded by virtue of AT&T's monopoly on access to BOC customers. (1-2)
  - Equal access will result in higher charges to customers, since cellular operators will no longer be able to offer customers lower long distance charges through various means. (3-4)
  - Equal access may reduce consumer choice. Pacific Cellular, for one, offers its customers a range of service and pricing options that would not be available if equal access requirements were imposed. (4)
  - The costs of implementing equal access will be considerable. In the face of burdensome costs, it may not be economically feasible to employ means such as bulk buying and traffic aggregation to bring down customer charges. (4)

**PALMER COMMUNICATIONS, INC.**

**Interest:** Diversified providers of broadcast, common carrier, and SMR services.

**Equal access:**

**Cellular equal access:**

- Opposes the imposition of equal access on cellular providers for the following reasons:
  - The imposition of equal access requirements upon cellular providers is not supported by public policy or historical justifications. Non-BOC cellular carriers do not have a history of anticompetitive behavior and do not directly control, nor are they affiliated with entities that do control, local exchange facilities. (2-4)
  - Subjecting cellular providers to equal access obligations imposes unjustified costs on operators and subscribers. The costs of implementing equal access include not only administrative expenses but the more significant expenses of converting existing equipment or purchasing new equipment, and these costs will be passed on to customers. (4-5)
  - The costs of implementing equal access may be so high that some carriers may be forced out of the market. (5)
  - If equal access is imposed, carriers will no longer be able to provide customers with the benefits of wide-area service or lower rates resulting from bulk discounts. (5-6)
  - Equal access will stunt the development of an independent cellular industry by discouraging investment in seamless wide-area systems, creating disincentives for further improvements, and hampering operators' ability to compete against other wireless service providers. (6-7)

- There is no evidence that customers desire equal access. (7-8)
- The CMRS industry is competitive, and if a consumer desires access to a particular IXC, it can choose a carrier that provides access to that IXC. (8)

**PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION (PCIA)**

**Interest:** Trade association for the personal communications industry.

**Equal Access:**

**Cellular equal access:**

- Supports mandatory access to IXC of choice through 1-800 or 950 access. (8)
- Urges the FCC to carefully scrutinize the alleged benefits of equal access before further regulating the highly competitive cellular marketplace. (8 - 9)

**Equal access for other CMRS providers:**

- Against equal access for paging or narrowband CMRS because paging has never been divided into intra and inter state components, and the costs for narrowband equal access would greatly outweigh the benefits. (7)
- Assuming cellular equal access is mandated, then equal access should be mandated for all broadband CMRS providers so as to avoid marketplace distortion. (9)

**Implementation:**

- Because of its technical complexity and uncertain future benefits, equal access should be gradually and flexibly phased in, bearing in mind that not all carriers are equally capable of installing equal access systems. (9 - 10)

**LEC/CMRS interconnection:**

- Opposes tariffing because:
  - Preparing and filing tariffs increases transaction costs. (11)
  - FCC notice and review delays implementation of interconnection service. (11)

- Tariffing suggests a uniform solution to a non-uniform problem of LEC-to-CMRS business relationships. (11)
- The FCC's suggested "most favored customer clauses" add nothing to LECs' already existing obligation not to engage in unreasonable discrimination, but will have the negative effect of inviting interpretational disputes. (12)
- The best approach would be to mandate that the LECs file all carrier-to-carrier interconnection agreements for public inspection. However, the identity of the CMRS provider should be deleted so as to protect the confidentiality of the carrier's network architecture and expansion plans. (12)
- The FCC should mandate that all LEC/CMRS interconnection agreements require mutual compensation so as to fairly compensate the carrier on whose network the call terminates. (13 - 14)

**CMRS/CMRS interconnection:**

- Because of the rapidly changing nature of CMRS/CMRS technology, it would be imprudent for the FCC to mandate interconnection at the present time. (16)
- However, the following CMRS/CMRS interconnection guidelines should be adopted:
  - CMRS providers should be required to provide service upon the reasonable request of another CMRS provider. (16 - 17)
  - CMRS providers should be prohibited from engaging in unreasonable discrimination in offering interconnection to other CMRS providers. (17)
  - CMRS providers, as co-carriers, should be required to negotiate interconnection agreements in good faith. (17)
  - CMRS providers should not be required to provide interconnection to private carriers or individuals. (18)

**CMRS/CMRS resale obligations:**

- In order to ensure regulatory parity, all broadband CMRS carriers should be subject to the same resale requirements to which interexchange and cellular carriers are presently subject. (19)
- CMRS providers should not be allowed to use the resale requirements to avoid their construction obligations. (19)

**POINT COMMUNICATIONS COMPANY**

**Interest:** Cellular service provider.

**Equal access:**

**Cellular equal access:**

- Carriers that operate in the RSAs and small MSAs do not have enough interLATA traffic to make equal access cost-effective. Equal access would cause increased costs to the end user, thereby hindering the ability of small carriers to compete with larger carriers in the same market. (2)
- Equal access would prolong LEC control over the local loop, as cellular providers would be forced to arrange for 1+ presubscribed access via the LEC's tandem. (2)
- Cellular carriers can and do provide end users with the ability to choose an IXC by means other than equal access. (3)

**Implementation:**

- If the Commission does require small carriers to provide equal access, they should be given a five-year phase-in period. (4)
- IXCs should be required to connect directly to cellular carriers whenever feasible in order to further the goal of a fully integrated and competitive local exchange network. (4)
- The Commission should require IXCs to compensate cellular carriers for the costs associated with providing access to local cellular networks in a manner similar to the compensation that the LECs receive from IXCs for providing the same access. The compensation should include upfront payments necessary to cover the cellular carriers' costs, as well as on-going usage-sensitive payments for the IXCs' interLATA traffic that is carried on the cellular networks. (4)

**LEC/CMRS Interconnection:**

- Good faith negotiations do not work for small carriers due to LEC monopoly power.

Interconnection tariffs would better serve the interests of small carriers. (5)

- The Commission should preempt state authority and require the LECs to include all rate elements (both interstate and intrastate) in the tariffs. (5)
- If the Commission does not require tariffs, then it should require the filing of negotiated interconnection agreements. The Commission should establish new/tighter requirements for these agreements. (6)
- The Commission should require that the negotiated agreements include a most favored nation clause. (6)
- There is no real mutual compensation between LECs and cellular carriers today. The Commission must mandate that all interconnection arrangements include mutual compensation at no less than the rates the CMRS carriers are paying their LECs. Moreover, LECs should be required to pay their fair share of the fixed line rates they are charging CMRS carriers. (6-7)
- True mutual compensation will facilitate the development of a fully interconnected, integrated and competitive market. (7-8)



**PUERTO RICO TELEPHONE COMPANY**

**Interest:** LEC in Puerto Rico.

**Equal Access:**

**Cellular equal access:**

- Favors equal access because consumers benefit from a choice of IXCs. (1-2)

**Implementation:**

- To give consumers the benefits of equal access as rapidly as possible, favors swift (2 year) implementation period with waivers for those carriers technologically unable to comply. (2)

**LEC/CMRS interconnection:**

- Favors tariffing because tariffing reduces disagreement over interconnection terms, and ensures that the rates, terms and conditions are reasonable, and that there is no unreasonable discrimination. (2-3)

**RAND MCNALLY & COMPANY (RMC)**

**Interest:** Owner of the copyrights on the MTA/BTA Listings.

**Other:**

- States that the FCC is contemplating the use of its copyrighted MTA/BTA Listings to define the geographic boundaries for certain communication services. (5)
- Although RMC has licensed the use of its MTA/BTA Listings by the Personal Communications Industry Association for use in connection with proceedings before the FCC, this license does not extend to any other use. (4)
- RMC is willing to negotiate a licensing agreement with the FCC and all parties which might use these listings. However, if the FCC uses the MTA/BTA Listings to define various geographical boundaries without first obtaining such a license, RMC will sue for copyright infringement. (6)

**RAM MOBILE DATA USA LIMITED PARTNERSHIP**

**Interest:** Provider of SMR services.

**Equal access:**

**Cellular equal access:**

- Takes no position with respect to the imposition of equal access on cellular providers.

**Equal access for other CMRS providers:**

- Opposes the imposition of equal access obligations on CMRS providers without market power for the following reasons:
  - Market forces ensure access of IXCs to potential customers and diversity of services. (2-3)
  - Implementing equal access would create substantial and unnecessary costs for CMRS providers and their customers. (3-4)
  - No IXC or customer of RAM has demanded access. (4)
  - CMRS providers that could not afford to implement equal access would be forced out of business, thereby reducing the diversity of services and overall competition in the marketplace. (4)
- Opposes the imposition of equal access requirements upon wide-area SMR providers operating in the 900 MHz band. Regulatory parity objectives do not support extending equal access obligations to such providers because 900 MHz SMR systems operate on a limited amount of spectrum. Accordingly, 900 MHz SMR systems and cellular systems will never be truly on the same plane. (4-6)

**LEC/CMRS interconnection:**

- Believes that LEC-to-CMRS interconnection should, with minor adjustments, continue to be accomplished through good faith negotiations. (7)

- Tariffing would inhibit flexibility and result in increased interconnection rates. (7)
- Endorses FCC's proposals to 1) require all interconnection agreements to contain a clause guaranteeing that the most favorable terms, conditions, and rates provided to one CMRS provider be made available to all CMRS providers, and 2) require LECS to file interconnection agreements with the FCC. (7-8)

**CMRS/CMRS interconnection:**

- Opposes the imposition of interconnection obligations on CMRS providers lacking market power. In light of the FCC's findings that CMRS providers do not have control over bottleneck facilities and that CMRS providers other than cellular providers lack market power, the imposition of interconnection obligations would do little (if anything) to advance the FCC's goal of facilitating access to bottleneck facilities and the PSN. (6-7)
- Believes the FCC should continue to allow market forces to guide future CMRS-to-CMRS interconnection arrangements. (6-7)

**ROCHESTER TELEPHONE CORPORATION**

**Interest:** Local exchange carrier.

**Equal access:**

**Cellular equal access:**

- If the Commission adopts equal access obligations, they should apply to all cellular providers and to all competitors of cellular providers. (4)

**Equal access for other CMRS providers:**

- Enhanced SMR providers are direct competitors with cellular carriers. PCS will develop as a direct competitor to cellular services. (4-5)
- There is no basis to exempt classes of CMRS providers that compete with cellular providers from the equal access obligations. (5)

**Implementation:**

- Equal access obligations should be triggered by bona fide requests. (6)
- The equal access rules for CMRS providers should be modeled upon those adopted for the non-Bell exchange carriers, except the Commission should impose a clear and convincing burden of proof upon a cellular carrier to demonstrate that it cannot provide equal access. (7)
- At a minimum, the Commission should define a local service area as no less than the authorized service territory of an exchange carrier or CMRS provider. The Commission should make this definition flexible to enable providers to develop new services that meet consumer demand and permit competitors to accommodate differently-designed effective service territories. (8)

**CMRS/LEC interconnection:**

- The Commission should not adopt a tariffing requirement for interconnection arrangements, as the current regime of individually negotiated contracts is serving its purpose. (8)

- The "most favored nation" clause is unnecessary and counterproductive, as not all customers are similarly situated. (9)

**CMRS/CMRS interconnection:**

- Because CMRS providers will possess no market power, the Commission may rely upon market forces to dictate the terms of interconnection. CMRS licensees will likely have every incentive to offer reasonable terms of interconnection to other CMRS providers. (10-11)
- The Commission should clarify that any interconnection duty would apply equally and reciprocally to all telecommunications providers. (11-12)

**CMRS resale obligations:**

- The Commission should prohibit unreasonable restrictions on the resale of communications services. (12)
- The Commission should not grant any CMRS licensee in a particular geographic area the right to resell its competitors' services in that area for a lengthy period of time. (12)
- The Commission should not adopt detailed pricing requirements to govern switch-based resale. Because CMRS licensees lack market power, they would be unable to dictate the terms of such arrangements. (13)

## **RURAL CELLULAR ASSOCIATION**

**Interest:** Trade association of small, rural cellular operators that are affiliated with LECs.

### **Equal Access:**

#### **Cellular equal access:**

- Against mandatory equal access because:
- Market conditions are providing new forms of competition which will be more effective than mandated equal access in promoting lower costs. (4)
- Hardware and software switching and administrative costs associated with equal access will swallow up any economic gains due to mandated equal access. (6)
- RBOC-affiliated cellular carriers (including McCaw/ATT) are already subject to the equal access requirements mandated by the MFJ. (7)
- Rural cellular providers will be able to provide a greater discount for their customers by direct negotiations with long distance carriers than the customers could provide on their own. (8)

#### **LEC/CMRS interconnection:**

- Against mandatory tariffing because negotiated agreements are more flexible. (9)
- Favors negotiated agreements between LECs and CMRS, provided safeguards called for in NPRM (e.g. public access to agreements, "most favored nation clause") are also implemented. (9)

#### **CMRS/CMRS interconnection:**

- Against mandatory interconnection because technological and competitive forces will change the future of interpersonal communications. (9-10)

**CMRS resale obligations:**

- Against CMRS resale obligations because allowing cellular resellers seamless access to cellular carriers grants all the benefits of a cellular license without requiring them to obtain the license and be subject to FCC regulation. (10-11)
- Cellular carriers have made a significant infrastructure investment in expectation of expanded future use. Other technologies (licensed and unlicensed) should not be allowed to "piggyback" on this investment. (11)



**SACO RIVER CELLULAR TELEPHONE COMPANY**

**Interest:** Wireline cellular licensee.

**Equal access:**

**Cellular equal access:**

- Opposes the imposition of equal access on cellular carriers for the following reasons:
  - The rationales for imposing equal access on BOCs and their cellular affiliates, i.e., a history of anticompetitive behavior and control over bottleneck facilities, are not relevant to mobile services in general. (3)
  - A cost/benefit analysis, particularly for smaller and rural cellular carriers, does not favor equal access. The ability of carriers to purchase interexchange service in bulk at volume discount rates would be hampered by equal access requirements. Moreover, technical constraints would make the cost of implementing equal access prohibitive. (3-4)
  - The costs of implementing equal access do not make economic sense, particularly when there appears to be little demand. (4)
  - The costs associated with providing customer education and establishing and monitoring the interexchange carrier selection process may also be prohibitive. (4)